

ENTERED

July 06, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

| | | |
|-------------------------------|---|------------------------------|
| UNITED STATES OF AMERICA, | § | |
| | § | |
| VS. | § | CIVIL ACTION NO. 7:20-CV-175 |
| | § | |
| 0.9226 ACRES OF LAND, MORE OR | § | |
| LESS, <i>et al</i> , | § | |
| | § | |
| Defendants. | § | |

ORDER

The Court now considers the “Notice of Dismissal Pursuant to Fed. R. Civ. P. 71.1(I)(1)(A)”¹ filed by the United States of America (“United States”). Therein, the United States seeks dismissal of the case pursuant to Federal Rule of Civil Procedure (“Rule”) 71.1(i)(1)(A) “due to the error of filing this case in the wrong Division.”²

Rule 71.1(i)(1)(A) provides that:

“If no compensation hearing on a piece of property has begun, and if the plaintiff has not acquired title or a lesser interest or taken possession, the plaintiff may, without a court order, dismiss the action as to that property by filing a notice of dismissal briefly describing the property.”

Here, the United States notes that there has been no compensation hearing in this case, it has not acquired title to or taken possession of the land, and it has not exercised any control over the land.³ The United States also provides a detailed description of the property at issue in this case in its notice of dismissal.⁴

¹ Dkt. No. 5.

² *Id.* at 2, ¶ 4.

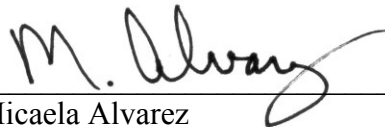
³ *Id.* ¶ 5.

⁴ *Id.* ¶ 6.

Accordingly, the Court finds that the United States has effectively dismissed this action pursuant to Rule 71.1(i)(1)(A) and no further action by this Court is necessary. The Clerk of the Court is instructed to close the case.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 6th day of July, 2020.



Micaela Alvarez
United States District Judge